

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IRMGARD PAGAN RIVERA**

**PLAINTIFF**

**vs.**

**LUMA ENERGY, LLC, LUMA ENERGY SERV  
CO LLC, ET ALs**

**DEFENDANTS**

**CIVIL ACTION NO:  
3:24-CV-01457-RAM**

**COMPLAINTS FOR DAMAGES,  
INVASION OF PROPERTY,  
ILLEGAL TRESPASSING**

**OPPOSITION TO “MOTION TO DISMISS THE COMPLAINT”  
INCLUDING THE EXHIBITS TO SUPPORT THE OPPOSITION OF THE  
PLAINTIFF’S, ARGUMENTATION OF THE OPPOSITION AND EXHIBITS**

**TO THE HONORABLE COURT:**

COMES NOW the Plaintiff IRMGARD AIMEE PAGAN RIVERA, herein referred to as the Plaintiff, represented by the subscribing attorney that respectfully state, allege and pray:

Basically, LUMA and they’re her different names are trying to dismiss this case for Jurisdictional reasons and lack of cause of action:

The many names of Defendants’ names of LUMA, for judicial economic reasons from herein will be respectfully referred as just as the Defendant:

A

**THE PARTIES**

1. Plaintiff is a resident of the state of Maryland U.S.A.
2. Defendant is a resident of the Commonwealth of Puerto Rico.

B

### THE FACTS

1. The Plaintiff alleges in the Complaint and the Amended Complaint that the Defendant are violating the Laws, including the Constitution of the United States of America, including also the Due Process Clause of the Amendments of the United States of America.
2. The Plaintiff also is indicating that defendant is trespassing the property of Rancho Duina installing A Giant structure, by breaking the fence of the Rancho Duina in the most valuable, in the most attractive area of the 23 lots of Rancho Duina, without any legal authorization, making wrong allegations or excuses, in silence, ignoring the letters of the Administrator of the farm Miguel Pagán, and without taking into consideration the opinion of the neighbors of the farm Rancho Duina. Plaintiff is definitely a resident of Maryland and Not of Puerto Rico. Therefore, there is federal jurisdiction to see this case in the Federal Court of Puerto Rico. The defendant argument that plaintiff is a resident of Puerto Rico is totally wrong. The Exhibit of this motion proves that the Plaintiff Irmgard Pagan is a resident of Maryland.

The Defendants invaded the property of Plaintiff Irmgard Pagan without having any right to do so and violating her property rights. Property right is a federal right. Defendants are violating the right of Due Process of law which is a sacred right of all American citizens, specially the due process of the 14<sup>th</sup> Amendment.

In other words, defendant is acting violating the Laws of the United States. The Defendant has the appearance of ruthless dictator, and not according to the American System of Law.

C

THE APPLICABLE LAWS AND THE RULES AND REGULATIONS OF THE  
AMERICAN LEGAL SYSTEM

1. Please refer to Annex exhibit 1 that indicates as follows:

Ramon Serano  
Electrician  
License Electrician Number: 3436  
Mansiones de Monte Casino 2  
Calle Colibri C-2 Toa Alta Puerto Rico

January 15, 2025

Certification

I am a Ramon Serrano electrician with license number 3636.

Annex Exhibit 2 indicates as follows:

Ramon Serrano electrician number 3436 says:

Certify that I visited the farm in Carolina owned by Mrs. Irmgard Pagan on January 15, 2025, and saw that Luma Energy LLC and Luma Energy Servco LLC constructed new towers on this farm that have nothing to do with the claims of Luma and the defendants. The Towers that they mentioned that they made, that they mentioned PREPA folio 51 of volume 282 of Carolina Puerto Rico property 6456 eight inscriptions have nothing to do with the tower's defendants Luma et als have made.

The right of way easement which contains the 115 KV electric transmission lines #36,800 and #41,200 have nothing to do with the New Towers Luma made and have nothing with the case E-61- 1492 Lo 55 from Rafael Narvaez Landron according to the alleged Judgment on February 17, 1964.

The Huge Towers were made recently by defendants Luma Energy LLC and Luma Energy Servco. All of those Huge Towers HAVE BEEN MADE BY THE DEFENDANTS RECENTLY IN THE LAST FEW YEARS and those Towers are affecting seriously the

property Irmgard Pagan devaluing the property and her farm making the farm totally unusable.

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Signed by Ramon Serrano

Please refer to Annex Exhibit 2 that indicates as follows:

“POTOMAC ELEMENTARY”

10311 River Road Potomac, MD

January 15, 2025

Mr. Mathew S. Etnyre

Mrs. Irmgard A. Pagan

11120 Fawcett Road

Potomac, MD. 20854

Re: Darrell Etnyre / Michael Alberic Etnyre

TO WHOM IT MAY CONCERN

This letter is to verify that Darrell and Michael Alberic Etnyre have been attending Potomac Elementary School in Montgomery County, MD since August 2023. They are currently students in second grade. Mr. Etnyre and Mrs. Pagan have been attending for their sons. I have provided report cards for your reference, if you have any questions, you can contact me at: 240-740 -4360.

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Signed Ana G Escobar  
Attendance Secretary / Registrar

“CERTIFICATION OF JOSE ROHENA” indicates the following:

“I Jose Rohena, of legal age, manager of National Hardware, Santurce, San Juan Puerto Rico, hereby Certify the following:

I certify on January 24 the following:

With regards to the farm owned by Mrs. Irmgard Pagan Rivera in barrio Barrazas Sector Santa, Cruz Aldea Street in Carolina Puerto Rico:

1. That I know the area where the farm is located very well. I live very near the farm is located.
2. That by September 2022, I noticed and saw that on the Farm hereby mentioned above that Luma constructed several New Huge Towers. Those towers did not exist before.
3. I also noticed and saw that Luma broke the fence that protected all the farm around.
4. That I was surprised for what I saw.

In San Juan, Puerto Rico, this January 24, 2025.

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Signed by Jose Rohena  
HC -01 11163  
Carolina P.R. 00986

Exhibit 5 photos clearly demonstrate the building processes of the huge towers made by Defendants on the Plaintiff farm. Also demonstrate the destruction of the fence.

Exhibit 6 evidence the destruction of the fence and the installation by Defendants of a temporary yellow barrier in order to disguise the destruction of the real fence. It also demonstrates the huge towers made by the Defendants.

Exhibits 1 through 4, prove that Mrs. Irmgard Pagan the Plaintiff in this case, is a resident of Maryland. Potomac Elementary School and the certification explains that Mrs. Irmgard Pagan children both study at Potomac Elementary School and that she frequently visits the school. Mrs. Irmgard Pagan also participates in the activities of her children at Portomac Elementary School in Maryland. (See Exhibit 2)

Exhibit 3- is the Identification of the State of Maryland which proves the Plaintiff Irmgard Pagan is a resident of Maryland. The Government of Maryland itself states that she is a Maryland Resident. Plaintiff Irmgard Pagan is domiciled in Maryland and complies with the federal jurisdiction **Radner vs. Sanders 2000US District 11877**. She has a domicile in Maryland and has physical presence there and has the intention to remain there in Maryland indefinitely. (**Mississippi Band of Choctaw Indians vs. Holyfield 490 US 30 1989**).

Exhibit 1 of electrician Ramon Luis Serrano is very clear that says that the New Towers made by Defendants are totally new which proves that what the defendants did was an invasion of Property. The right of Property is a federal right. Exhibit 5 of Jose Rohena, which lives very near the farm states clearly that Defendant made the Huge Towers and broke the fence of the farm in around September 2022. He also clearly states that the Huge Towers that defendants made were not there before. See Exhibit 5. Defendants continue to occupy unlawfully the farm of Plaintiff. Also, expert electrician Ramon Serrano states in his certification that those Huge Towers the defendants made on the farm of Plaintiff have nothing to do with the easement of the case of **Rafael Landron of judgement of February 17, 1964.**

## **RIGHT OF PROPERTY IS FEDERAL RIGHT**

The Right of Property is a fundamental, protected by the Fifth and Fourteenth Amendments of the U.S.A. Federal Constitution. The U.S. Constitution protect the right of people to acquire, use and dispose of property freely. Expressions Property is protected through the Fifth and Fourteenth Amendments of the U.S.A. Federal Constitution that indicates “Nor shall private property be taken for public use without just compensation”. Owners today can get compensation when the Plaintiff’s property is invaded by the government.

Defendants did not get any government order to invade Plaintiff farm. Plaintiff is entitled to compensation due to the trespassing and invasion actions of Plaintiff’s farm.

**Knick vs Township** of Scott states that a government violates the taking clause when it takes property without compensation and a property owner may bring a **Fifth Amendment claim, 588 U.S. 180-224.**

**No natural person or juridical person has the right to invade private properties without the due process of law.**

**WHEREFORE THE PLAINTIFF RESPECTFULLY REQUEST THE GRANTING IN FAVOR OF THE PLAINTIFF THE OPPOSITION TO “DISMISS THE COMPLAINT” INCLUDING THE EXHIBITS IN SUPPORT THE OPPOSITION, AND THIS PLAINTIFF’S ARGUMENTATION.**

**I AM NOTIFYING THIS MOTION TO THE FOLLOWING ATTORNEYS OF DEFENDANTS: LEGAL DIVISION ATTORNEY ALANA VIZCARRONDO TO THE JUDGE FOR THE DISTRICT OF PUERTO RICO HON. RAUL M. ARIAS MARXUACH (787) 772-3150, CLEMENTE VIZCARRONDO U.S.A DISTRICT COURT HOUSE, CARLOS CHARDON STREET, HATO REY, SAN JUAN,**

**PUERTO RICO 00919**

**s/JOSE R. PEREZ HERNANDEZ**  
PISOS DE CAPARRA PH-G  
14 MILAN STREET  
GUAYNABO, P.R. 00966  
PHONE: 787-398-1646  
[joseperezhernandez@lawyer.com](mailto:joseperezhernandez@lawyer.com)